

Mary E. McCutcheon (State Bar No. 099939)
mmccutcheon@fbm.com
C. Brandon Wisoff (State Bar No. 121930)
bwisoff@fbm.com
Tyler C. Gerking (State Bar No. 222088)
tgerking@fbm.com
Richard E. Robinson (State Bar No. 280529)
rrobinson@fbm.com
Farella Braun + Martel LLP
235 Montgomery Street, 17th Floor
San Francisco, CA 94104
Telephone: (415) 954-4400
Facsimile: (415) 954-4480

Attorneys for Defendant and Counter-Claimant
THE CALIFORNIA AUTOMOBILE ASSIGNED
RISK PLAN

James R. Carroll (pro hac vice)
James.Carroll@Skadden.com
Skadden, Arps, Slate, Meagher & Flom LLP
One Beacon Street, 31st Floor
Boston, Massachusetts 02108
Telephone: (617) 573-4800
Facsimile: (617) 573-4822

Attorneys for Plaintiff and Counter-Defendant
LIBERTY MUTUAL INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LIBERTY MUTUAL INSURANCE
COMPANY, a Massachusetts
Corporation,

Plaintiff,

vs.

THE CALIFORNIA AUTOMOBILE
ASSIGNED RISK PLAN, a program
established under California Insurance
Code section 11620 et seq., and DOES 1
through 20, inclusive,

Defendants.

Case No. C-11-1419 MMC

**STIPULATION AND [PROPOSED]
ORDER MODIFYING THE CASE
SCHEDULE**

Judge: Hon. Maxine M. Chesney
Dept: Courtroom 7, 19th Floor

Complaint filed: March 24, 2011

Trial date: February 4, 2013

1 THE CALIFORNIA AUTOMOBILE
2 ASSIGNED RISK PLAN,
3 Counter-Claimant,
4 vs.
5 LIBERTY MUTUAL INSURANCE
6 COMPANY, a Massachusetts Corporation,
7 Counter-Defendant.

8 Pursuant to Civil Local Rules 6-2, 7-12 and 40-1, Defendant/Counter-Claimant The
9 California Automobile Assigned Risk Plan ("CAARP") and Plaintiff/Counter-Defendant Liberty
10 Mutual Insurance Company ("Liberty Mutual") respectfully submit this Stipulation And Proposed
11 Order To Extend The Schedule.

12 WHEREAS, Liberty Mutual filed its Complaint on March 24, 2011 (Docket No. 1);
13 CAARP filed its answer and counterclaims on May 20, 2011 (Docket No. 11); and Liberty
14 Mutual filed its answer to CAARP's counterclaims on June 10, 2011 (Docket No. 13);

15 WHEREAS, on July 8, 2011, the Court, following a Case Management Conference, made
16 a Minute Entry (Docket No. 19), and on July 14, 2011, the Court entered a Pretrial Preparation
17 Order (Docket No. 22), which incorporated the deadlines set in the Court's Minute Entry;

18 WHEREAS, on February 21, 2012, pursuant to the Parties' stipulation, the Court entered
19 an Order Modifying The Case Schedule (Docket No. 43), which modified the dates in the Court's
20 Pretrial Preparation Order.

21 WHEREAS, on June 14, 2012, Magistrate Judge Jacqueline Scott Corley entered an Order
22 re Discovery Disputes (Docket No. 53), which ordered the production of certain documents, the
23 scheduling of certain depositions and supplemented responses to certain discovery requests.

24 WHEREAS, counsel for CAARP and Liberty Mutual agree that additional time is needed
25 to conduct and complete expert discovery beyond what is currently allowed under the first Order
26 Modifying The Case Schedule, in part because of the additional fact discovery that is currently
27 being taken pursuant to Judge Corley's Order re Discovery Disputes;

1 WHEREAS, Liberty Mutual has separately requested that CAARP stipulate to a one-week
2 continuance of the current trial date to address a scheduling conflict;

3 WHEREAS, CAARP is willing to stipulate to a one-week continuance of the current trial
4 date as a reasonable scheduling accommodation, but CAARP will not stipulate to – and instead
5 opposes – any request for a more lengthy continuance of the current trial date if the Court does
6 not grant a one-week continuance;

7 WHEREAS, counsel for CAARP and Liberty Mutual have conferred and agreed upon
8 modifications to the first Order Modifying The Case Schedule, subject to Court approval, that
9 would enable them to complete expert discovery in this action and address a scheduling conflict
10 that Liberty Mutual has with the current trial schedule;

11 WHEREAS, CAARP and Liberty Mutual agree the proposed modifications to the case
12 schedule regarding the deadlines applicable to expert discovery, dispositive motions and the case
13 management conference set forth below do not require a continuance of the trial date, and the
14 stipulated request for a one-week continuance of the trial date is premised exclusively on Liberty
15 Mutual's scheduling conflict;

16 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the undersigned as
17 follows:

- 18 1. The dates set in the Pretrial Preparation Order are modified as set forth below:
 - 19 a. JURY TRIAL DATE: February 11, 2013.
 - 20 b. DESIGNATION OF EXPERTS:
21 Plaintiff/Defendant: No later than July 20, 2012.
22 Plaintiff/Defendant: Rebuttal no later than August 10, 2012.
(With objections by October 12, 2012.)
 - 23 c. EXPERT DISCOVERY CUTOFF: September 13, 2012.
 - 24 d. DISPOSITIVE MOTIONS shall be filed no later than October 12, 2012.
 - 25 e. FURTHER STATUS CONFERENCE STATEMENT DUE: October 19,
2012.
 - 26 f. FURTHER STATUS CONFERENCE: October 26, 2012.

2. If the Court does not grant the requested one-week continuance of the trial date, CAARP and Liberty Mutual jointly: (a) request that the Court grant the remainder of this stipulated and [Proposed] Order Modifying the Case Schedule, and (b) stipulate that, if Liberty Mutual still desires a continuance of the trial date, Liberty Mutual shall be required to file a motion in accordance with the local rules requesting such relief from the Court and CAARP shall have an opportunity to oppose any such motion.

3. The dates previously set for the above events are hereby vacated. All other dates set forth in the Court's first Order Modifying The Case Schedule entered on February 21, 2012 and the Pretrial Preparation Order entered on July 14, 2011 shall remain unchanged.

4. This stipulation and proposed order is without prejudice to either party seeking further adjustment to the schedule.

Dated: July 2, 2012

FARELLA BRAUN & MARTEL LLP

By: /s/ Tyler C. Gerking
Tyler C. Gerking

Attorneys for Defendant
THE CALIFORNIA AUTOMOBILE
ASSIGNED RISK PLAN

Dated: July 2, 2012

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP

By: /s/ James R. Carroll
James R. Carroll

Attorneys for Plaintiff/Counter-Defendant
LIBERTY MUTUAL INSURANCE COMPANY

PURSUANT TO STIPULATION

IT IS SO ORDERED, with the exception that the trial date remains February 4, 2012 as scheduled, and as jointly requested by the parties in their prior stipulation.

July 5, 2012

Maxine M. Chesney
Hon. Maxine M. Chesney
United States District Judge